IN THE

Supreme Court of the United States

October Term, 1947
No. 525

RUTH K. ARMSTRONG,

Petitioner,

vs.

LEE R. ARMSTRONG,

Respondent.

SUPPLEMENT TO PETITIONER'S REPLY BRIEF.

The certificate of the District Court of Appeal, State of California, signed by the Honorable John M. York, Presiding Justice, dated February 18, 1948, showing that the Federal question relied on by petitioner was raised and determined by the District Court of Appeal, the original of which certificate is on file in this proceeding and is referred to at page 7 of petitioner's reply brief filed herein, is set forth in this supplement to petitioner's reply brief for the court's convenience.

Certificate to the Supreme Court of the United States.

This is to certify that in the cause entitled 2nd Civil Number 15738, Ruth K. Armstrong, Plaintiff and Appellant, vs. Lee R. Armstrong, Defendant and Respondent, an appeal from certain orders of the Superior Court of Los Angeles County to the District Court of Appeal, Second Appellate District, Division One, State of California, the plaintiff and appellant, Ruth K. Armstrong raised and presented a Federal question, together with certain other questions, to this court for its decision. The Federal question so raised and presented was as follows: whether the order of the Superior Court, dated January 26, 1946 vacating and setting aside the divorce judgment, theretofore rendered in favor of plaintiff and appellant, was made upon such unreasonable and inadequate notice of hearing to plaintiff and appellant as to deprive plaintiff and appellant of her right to a hearing on the merits and to due process of law under the Fourteenth Amendment to the United States Constitution.

The Federal question so raised and presented was raised by an objection to jurisdiction. The plaintiff and appellant contended that the Superior Court had no jurisdiction to make the order vacating and setting aside the divorce judgment because the said order was made after a notice of hearing which was so short in time as to be unreasonable and inadequate under the circumstances, that plaintiff and appellant had no reasonable or adequate opportunity to prepare for or to contest the application for said order on its merits, and that the making of said order upon such notice deprived plaintiff and appellant of her right to due process of law under both the due process clause of the State Constitution and the due process clause

of the Fourteenth Amendment to the United States Constitution.

This court considered that the said Federal question was presented for decision and that its decision of the Federal question was necessary for the determination of the cause, and in rendering its decision this court considered, passed upon and decided the Federal question so raised and presented. In rendering its decision dated August 22, 1947, this court determined and decided that the notice of hearing in question was not so unreasonable or inadequate as to deprive plaintiff and appellant of due process of law under the Fourteenth Amendment to the United States Constitution, or under the due process clause of the State Constitution, and that the Superior Court had jurisdiction to make the said order.

Dated February 18th, 1948.

(Seal) JOHN M. YORK,

Presiding Justice, District Court of Appeal, Second Appellate District, Division One, State of California.